

REMARKS/ARGUMENTS

Claim 1-17 remain pending herein.

Claim 17 was rejected under 35 U.S.C. §112, first paragraph. The Office Action contains a statement that it is the Examiner's position that the originally filed application does not support recitation that the water content of the electrodes is measured *after* the battery is sealed or assembled. Claim 17 has been amended as set forth above to delete reference to "after sealing the battery, or after completion of the assembly of the battery." Accordingly, reconsideration and withdrawal of this rejection are requested.

Claims 1, 2, 12, 13 and 17 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,083,644 (Watanabe '644) and claims 3, 4, 14 and 15 were rejected under 35 U.S.C. §103(a) over Watanabe '644 in view of U.S. Patent No. 6,350,544 (Takami '544).

The present invention is directed to a lithium secondary battery which comprises a positive electrode comprising a specific positive active substance (namely, lithium manganese oxide) and a negative electrode comprising a specific active substance (namely, at least one material selected from among amorphous carbonaceous material and graphitized carbonaceous material), and a non-aqueous electrolytic solution containing a lithium compound and having a water concentration restricted to below specific levels even when the cell is exposed to temperature which reflects the temperature to which the cell will be exposed during actual use.

Watanabe '644 fails to disclose or suggest restriction of levels of water generation when heated, and fails to disclose or suggest any criticality of water content in order to provide excellent performance such as excellent self-discharging efficiency, cycle properties, or the like. It is respectfully noted that the temperatures describe in Watanabe '644, column 14, lines 45-47 relate to a drying step disclosed therein.

In addition, the cells disclosed in Watanabe '644 require the use of a specific lithium silicon oxide to attain the objectives disclosed in Watanabe '644, as described

in column 3, lines 17-42. That is, as described in Watanabe '644, column 3, lines 48-50, a lithium-containing lithium oxide or lithium-containing iron sulfide is used as the positive active substance, this selection of positive active substance being essential in order to obtain the objectives alleged in Watanabe '644 at column 3, lines 6-16. Accordingly, persons of skill in the art would not have been motivated to attempt to combine the disclosure of Takami '544 with the disclosure in Watanabe '644.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 5-7 and 16 were rejected under 35 U.S.C. §103(a) over Watanabe '644 in view of Takami '544, further in view of U.S. Patent No. 6,277,522 (Omaru '522).

Omaru '522 is relied on in the Office Action for alleged disclosure of a negative electrode comprising a graphitized carbon fiber. Accordingly, such disclosure would not overcome the shortcomings of Watanabe '644 and Takami '544 as those references are attempted to be applied against claim 1, from which claims 5-7 and 16 each ultimately depend. Accordingly, reconsideration and withdrawal of this rejection are requested.

Claim 1-4, 8-15 and 17 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,235,426 (Yanai '426) in view of Watanabe '644, further in view of Takami '544.

The Office Action contains an acknowledgment that Yanai '426 does not disclose the water content of each electrode.

As discussed above, Watanabe '644 fails to disclose or suggest a non-aqueous electrolytic solution containing a lithium compound and having a water concentration restricted to below the specific levels recited in claims 1 and 17 when the cell is exposed to the recited temperatures.

In addition, Takami '544 likewise fails to disclose or suggest a non-aqueous electrolytic solution containing a lithium compound and having a water concentration restricted to below the specific levels recited in claims 1 and 17 when the cell is exposed to the recited temperatures.

Accordingly, no combination of Yanai '426, Watanabe '644 and/or Takami '544 would render obvious the subject matter of either of claims 1 and 17.

Accordingly, and since claims 2-4 and 8-15 each ultimately depend from claim 1, reconsideration and withdrawal from this rejection are requested.

In view of the above, claims 1-17 are in condition for allowance.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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Date



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